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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION**

LAYNE MORRIS, an individual; LEISL MORRIS in her own right, TABITHA SPEER, in her own right; TABITHA SPEER, as Executrix of the ESTATE OF CHRISTOPHER SPEER; and TABITHA SPEER on behalf of her minor children T.S. and T.S.,

Plaintiffs,

v.

OMAR KHADR, an individual,

Defendant.

MOTION FOR ENTRY OF DEFAULT

Civil No.: 2:14-cv-00391-DBP

Magistrate Judge: Dustin B. Pead

Plaintiffs Layne Morris, Leisl Morris, Tabitha Speer, Tabitha Speer, as Executrix of the Estate of Christopher Speer, and Tabitha Speer on behalf of her minor children T.S. and T.S., by and through counsel of record, and pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, hereby move the Court for an Entry of Default against Defendant Omar Khadr on the following grounds:

1. The Plaintiffs accomplished service of process on Defendant Omar Khadr on June 19, 2014. (EFC Doc. 6.)

2. Defendant Omar Khadr's answer was due July 10, 2014.

3. As of the date of this motion, counsel for Plaintiffs has not been served with an answer by Defendant Omar Khadr. *See* Declaration of Laura H. Tanner ¶ 5.

4. Attorneys considering entering an appearance on behalf of Defendant Omar Khadr requested an extension of time to respond to the Complaint first to August 1, 2014 and then to September 8, 2014. *See* Declaration of Laura H. Tanner ¶ 7.

5. As of September 11, 2014, no appearance or answer has been filed on Defendant Omar Khadr's behalf in this matter. (EFC Doc.)

6. This Court has subject matter jurisdiction of this matter based on diversity of citizenship and an amount in controversy over \$75,000.00 and personal jurisdiction over Defendant Omar Khadr because of their specific contacts with the State of Utah in connection with the dispute out of which this matter arises.

7. Defendant Omar Khadr is not a minor or incompetent person.

WHEREFORE, the Plaintiffs request that the Clerk enter default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure against Defendant Omar Khadr.

Dated this 11th day of September, 2014.

WINDER & COUNSEL, P.C.

By: /s/ Laura Tanner
Donald J. Winder
Laura H. Tanner
Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

On this 11th Day of September, 2014 I caused a true copy of **MOTION FOR ENTRY OF DEFAULT and DECLARATION OF LAURA H. TANNER IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT** to be filed with the Clerk of Court using CM/ECF system which will automatically send email notification of such filing to all counsel who have entered an appearance in this action, and a copy sent by U.S. Mail to the following:

Omar Khadr
c/o The Bowden Institution
P.O. Box 6000
Innisfail, Alberta
T4G 1V1
CANADA

_____/s/ Terri J Dunkley_____